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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,896	02/29/2000	Akio Yoneyama	000233	9736

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EXAMINER
VO, TUNG T

ART UNIT	PAPER NUMBER
2613	15

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/515,896	YONEYAMA ET AL.	
	Examiner	Art Unit	
	Tung T. Vo	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,3,5,7-16 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,3,5,7-16 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 2, 3, 5, 8, 9 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Mihara (US 6,163,573) as set forth in the previous Office Action, Paper No. 13.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 3, 5, 7-13, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 6,151,360) in view of Guede (US 5,742,351) as set forth in the previous Office Action, Paper No. 13.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 6,151,360) in view of Guede (US 5,742,351) as applied to claim 2 and 3, and further in view of Igarashi et al. (US 6,324,216) B1 as set forth in the previous Office Action, Paper No. 13.

Response to Arguments

4. Applicant's arguments filed 06/30/03 have been fully considered but they are not persuasive.

The applicant argued that Mihara does not disclose a detailed method of actually determine P and B, the input video data is analyzed to determine the interval of the pictures and the interval of P pictures, the inter-frame variance calculation means, and dividing the input video picture into small blocks to carry out simple motion picture compensatory prediction by use of the presentation value per small block, pages 8-10 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that a detailed method of actually determining P and B (col. 10, lines 14-55, the P or B picture of the input of video data is compressed and encoded in the detailed encoder fig. 2, wherein the motion detection 204 can detect the video input to determine the P or B picture to be encoded), the input video data is analyzed to determine the interval of I pictures (col. 11, lines 6-10) and the interval of P pictures (col. 11, lines 11-20), the inter-frame variance calculation means (104, 240 and 222

of fig. 2, according the MPEG-2 standard the motion detection the detect a current compared to a previous frame, the current and previous frame are adjacent to each other, to determine the best match motion vector based on the displacement between search block, this called the inter-frame variance calculation means), and dividing the input video picture into small blocks to carry out simple motion picture compensatory prediction by use of the presentation value per small block (208 of fig. 2, according the MPEG-2 standard, discrete cosine transform (DCT) divides the input video signal into small blocks that have DCT coefficients used for the motion compensation 240 of fig. 2). In view of the discussion above, Mihara anticipates the claimed features.

It is noted that Mihara does not describe a system identical to that disclosed by applicant(s). However, claims 2, 3, 5, 7-13 are to be given their broadest reasonable interpretation during examination, and the scope of a claim cannot be narrow by reading disclosed limitations into the claim. See In re Morris, 127 F. 3d 1048, 1054, 44 USPQ2d, 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F. 2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

In addition, the law of anticipation does not require that a reference "teach" what an applicant's disclosure teaches. Assuming that a reference is properly "prior art," it is only necessary that claim "read on" something disclosed in reference, i.e., all limitations of the claim are found in the reference, or "full met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760,772, 218 USPQ 781, 789 (Fed. Cir. 1983). As conclusion, the rejection of claims 1-8 under 35 U.S.C 102 as being anticipated by Kanaka.

The applicant further argued that Guede fails to teach, mention or suggest the P frame interval inside the GOP being decided based on the decision by the P frame interval decision means, page 12 of the remarks.

The examiner respectfully disagrees with the applicant that. It is submitted that Guede does teach, mention or suggest the P frame interval inside the GOP being decided based on the decision by the P frame interval decision means (fig. 3 and 8, e.g. a distance M = 2 between P frames (P4 and P6) is called a interval of P frames inside the GOP (between the GOP2 and GOP3) being decided based on decision by P frames interval decision means (14 of fig. 1, e.g. the pre-processing stage identifies the input film based on the decision of sequence detecting means (12 of fig. 1) detects the input signal which is P or I or B frames being encoded by the encoding means). With the interpretations above, the claimed features are unpatentable over Guede and the combination of Mihara and Guede.

The applicant further argued that Igarashi does not teach dividing a target video picture into small blocks as so to judge an edge region inside the video picture based dispersion value pixel on the small block, page 13 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Igarashi teaches dividing a target video picture into small blocks (13 of fig. 3, e.g. the DCT dividing the input block into the small block for a motion compensation and detection to estimate a motion vector based on the best block matching) as so to judge an edge region inside the video picture based dispersion value pixel on the small block (fig. 11, e.g. the detection detects comb deformation of edges in a picture due to motion; see col. 29, lines 19-20). Since Igarashi teaches

the detection detect the edge region inside the video picture (fig. 11), so the claimed features are unpatentable over Igarashi and the combination of Kato et al. , Guede and Igarashi.

It is noted that the obviousness may be made from common knowledge, and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F. 2d 1385, 163 USPQ 545 (CCPA 1969).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo
Examiner
Art Unit 2613

T.Vo.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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